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18 **ATTORNEYS FOR DEFENDANT**
19 **X SEPARATOR LLC**

20 UNITED STATES DISTRICT COURT
21 CENTRAL DISTRICT OF CALIFORNIA
22 WESTERN DIVISION

23 PCR DISTRIBUTING CO.

24 *Plaintiff*

25 vs.

26 JOHN DOES 1-10 d/b/a
27 NHENTAI.NET AND NHENTAI.TO

Defendants

Case No. 2:24-cv-07453-CV-AJR

**DEFENDANT X SEPARATOR
LLC'S ANSWER TO AMENDED
COMPLAINT FOR COPYRIGHT
INFRINGEMENT AND RELATED
CLAIMS AND AFFIRMATIVE
DEFENSES**

Judge: Honorable Cynthia Valenzuela

1 Defendant X Separator LLC “Defendant” files this Answer to Plaintiff’s
2 Amended Complaint for Copyright Infringement and Related Claims (“Complaint”).

3 “Defendant,” as used herein, refers solely to X Separator LLC. Defendant
4 cannot and does not answer any allegations in the Complaint on behalf of DOES 1-
5 10, i.e., unidentified defendants, named in the Complaint. Defendant cannot and
6 does not answer any allegations in the Complaint on behalf of Nhentai.to.
7 Accordingly, Defendant cannot admit or deny any allegations that include or relate
8 to DOES 1-10 and Plaintiff’s definition of “Defendants” as used throughout the
9 Complaint is improper. To the extent Defendant is required to answer on behalf of
10 DOES 1-10 or Nhentai.to, Defendant lacks knowledge or information sufficient to
11 form a belief about the truth of allegations concerning other defendants including
12 those fictitiously named. Defendant denies that “[c]ollectively, nHentai.net and
13 nHentai.to may be referred to as ‘nHentai.’” Defendant also lacks information
14 sufficient to form a belief about any reference in the Complaint to “nHentai” or
15 “Nhentai,” as Plaintiff improperly refers to nHentai.net and nHentai.to collectively
16 throughout as “nHentai.”

17 **I. ANSWER TO PLAINTIFF’S COMPLAINT**

18 Defendant denies the allegations and characterizations in any of the headings,
19 subheadings, or paragraphs in the Complaint unless expressly admitted in the
20 following paragraphs.

21 **II. ANSWER TO PRELIMINARY STATEMENT**

22 1. Defendant lacks knowledge or information sufficient to form a belief
23 about the truth of the allegations in paragraph 1 of the Complaint.

24 2. Defendant lacks knowledge or information sufficient to form a belief
25 about the truth of the allegations in paragraph 2 of the Complaint.

26 3. Defendant lacks knowledge or information sufficient to form a belief
27 about the truth of the allegations in paragraph 3 of the Complaint that “By this

lawsuit, Plaintiff seeks to protect its registered, copyrighted works” Defendant denies any remaining allegations in paragraph 3 of the Complaint.

4. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 4 of the Complaint.

5. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 5 of the Complaint regarding “nHentai.” Defendant denies any remaining allegations in paragraph 5 of the Complaint.

6. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 6 of the Complaint.

7. Defendant denies the allegations in paragraph 7 of the Complaint.

III. ANSWER TO JURISDICTION AND VENUE

8. Defendant admits that this is a civil action as stated in paragraph 8 of the Complaint. Defendant admits that Plaintiff purports to “seek[] damages and injunctive relief for copyright infringement under the Copyright Act, 17 U.S.C. § 101 *et seq*” as stated in paragraph 8 of the Complaint. Defendant denies any remaining allegations in paragraph 8 of the Complaint.

9. Defendant admits that Plaintiff purports that this Court has subject matter jurisdiction over Plaintiff’s claims for copyright infringement under 28 U.S.C. §§1331 and 1338 as stated in paragraph 9 of the Complaint. Defendant denies any remaining allegations in paragraph 9 of the Complaint.

10. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 10 of the Complaint that “Defendants Does 1-7, d/b/a nHentai.net (“Defendants”) are unknown individuals or entities that own and operate at least one website, located at the uniform resource locator (“URL”) nHentai.net.” Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 10 of the Complaint regarding

1 Plaintiff's "information and belief." Defendant admits the allegation paragraph 10
2 of the Complaint that "the owners and/or operators of nHentai.net have a business
3 presence in the United States." Defendant denies any remaining allegations in
4 paragraph 10 of the Complaint.

5 11. Defendant lacks knowledge or information sufficient to form a belief
6 about the truth of the allegations in paragraph 11 of the Complaint regarding
7 "Defendants Does 8-10" and "nHentai.to." Defendant denies that "[c]ollectively,
8 nHentai.net and nHentai.to may be referred to as 'nHentai.'" Defendant denies any
9 remaining allegations in paragraph 11 of the Complaint.

10 12. Defendant lacks knowledge or information sufficient to form a belief
11 about the truth of the allegations in paragraph 12 of the Complaint regarding
12 "nHentai." Defendant denies any remaining allegations in paragraph 12 of the
13 Complaint.

14 13. Defendant lacks knowledge or information sufficient to form a belief
15 about the truth of the allegations in paragraph 13 of the Complaint regarding
16 "nHentai." Defendant denies any remaining allegations in paragraph 13 of the
17 Complaint.

18 14. Defendant lacks knowledge or information sufficient to form a belief
19 about the truth of the allegations in paragraph 14 of the Complaint regarding
20 "nHentai." Defendant lacks knowledge or information sufficient to form a belief
21 about the truth of the allegations in paragraph 14 of the Complaint and the Exhibit
22 A referenced in footnote 1 accompanying paragraph 14 of the Complaint. Defendant
23 denies any remaining allegations in paragraph 14 of the Complaint.

24 15. Defendant lacks knowledge or information sufficient to form a belief
25 about the truth of the allegations in paragraph 15 of the Complaint regarding
26 "nHentai." Defendant lacks knowledge or information sufficient to form a belief
27 about the truth of the allegations in paragraph 15 of the Complaint regarding

1 Plaintiff's "information and belief" and the "source" referenced in footnote 2
2 accompanying paragraph 15 of the Complaint. Defendant denies any remaining
3 allegations in paragraph 15 of the Complaint.

4 16. Defendant lacks knowledge or information sufficient to form a belief
5 about the truth of the allegations in paragraph 16 of the Complaint.

6 17. Defendant lacks knowledge or information sufficient to form a belief
7 about the truth of the allegations in paragraph 17 of the Complaint regarding
8 "nHentai." Defendant lacks knowledge or information sufficient to form a belief
9 about the truth of the remaining allegations in paragraph 17 of the Complaint and
10 footnote 3 accompanying paragraph 17 of the Complaint.

11 18. Defendant lacks knowledge or information sufficient to form a belief
12 about the truth of the allegations in paragraph 18 of the Complaint and in footnote 4
13 accompanying paragraph 18 of the Complaint.

14 19. Defendant denies the allegations in paragraph 19 of the Complaint.

15 20. Defendant lacks knowledge or information sufficient to form a belief
16 about the truth of the allegations in paragraph 20 of the Complaint regarding
17 Plaintiff's "information and belief." Defendant denies the allegations in paragraph
18 20 of the Complaint.

19 21. Defendant lacks knowledge or information sufficient to form a belief
20 about the truth of the allegations in paragraph 21 of the Complaint.

21 22. Defendant admits that Plaintiff purports that "[v]enue is appropriate in
22 this District pursuant to 28 U.S.C. § 1391(b)" as stated in paragraph 22 of the
23 Complaint. Defendant lacks knowledge or information sufficient to form a belief
24 about the truth of the remaining allegations in paragraph 22 of the Complaint.

25 IV. ANSWER TO PARTIES

26 23. Defendant lacks knowledge or information sufficient to form a belief
27 about the truth of the allegations in paragraph 23 of the Complaint.

1 24. Defendant lacks knowledge or information sufficient to form a belief
2 about the truth of the allegations in paragraph 24 of the Complaint.

3 25. Defendant lacks knowledge or information sufficient to form a belief
4 about the truth of the allegations in paragraph 25 of the Complaint.

5 26. Defendant lacks knowledge or information sufficient to form a belief
6 about the truth of the allegations in paragraph 26 of the Complaint.

7 27. Defendant lacks knowledge or information sufficient to form a belief
8 about the truth of the allegations in paragraph 27 of the Complaint.

9 28. Defendant admits that in paragraph 28 of the Complaint, Plaintiff
10 purports to attach as Exhibit B to the Complaint “[a] schedule of the copyright
11 registrations for Plaintiff’s works.” Defendant lacks knowledge or information
12 sufficient to form a belief about the truth of the remaining allegations in paragraph
13 28 of the Complaint.

14 29. Defendant admits that in paragraph 29 of the Complaint, Plaintiff
15 purports to attach as Exhibit C to the Complaint “[a] list of additional works with
16 identifying information.” Defendant lacks knowledge or information sufficient to
17 form a belief about the truth of the remaining allegations in paragraph 29 of the
18 Complaint.

19 30. Defendant lacks knowledge or information sufficient to form a belief
20 about the truth of the allegations in paragraph 30 of the Complaint.

21 31. Defendant lacks knowledge or information sufficient to form a belief
22 about the truth of the allegations in paragraph 31 of the Complaint.

23 32. Defendant denies the allegations in paragraph 32 of the Complaint.

24 33. Defendant admits the statement in paragraph 33 of the Complaint that
25 it owns and operates the URL located at nhentai.net.

26 34. Defendant denies the allegations in paragraph 34 of the Complaint.

27 35. Defendant admits the statement in paragraph 35 of the Complaint that

1 the Nhentai.net website is available in the United States.

2 36. Defendant lacks knowledge or information sufficient to form a belief
3 about the truth of the allegations in paragraph 36 of the Complaint regarding
4 “nHentai.” Defendant admits that it operates nhentai.net with the intention of making
5 available content in the United States and earning money from the United States
6 market. Defendant denies any remaining allegations in paragraph 36 of the
7 Complaint.

8 37. Defendant lacks knowledge or information sufficient to form a belief
9 about the truth of the allegations in paragraph 37 of the Complaint regarding
10 “nHentai.” Defendant lacks knowledge or information sufficient to form a belief
11 about the truth of the allegations in paragraph 37 of the Complaint regarding
12 Plaintiff’s awareness, information, or belief or whether Plaintiff will amend the
13 complaint to state the true names of the defendants when their identities are
14 discovered. Defendant denies the allegation in paragraph 37 of the Complaint that it
15 is liable for “all acts alleged here.” Defendant denies the allegations in paragraph 37
16 of the Complaint that it is the cause in fact and proximate cause of all injuries
17 suffered by Plaintiff as described. Defendant denies any remaining allegations in
18 paragraph 37 of the Complaint.

19 **V. ANSWER TO STATEMENT OF FACTS**

20 38. Defendant denies the allegations in paragraph 38 of the Complaint.

21 39. Defendant admits the statement in paragraph 39 of the Complaint that
22 nhentai.net is a platform for adult manga and doujinshi content and that the
23 nhentai.net website hosts a collection of works. Defendant lacks knowledge or
24 information sufficient to form a belief about the truth of the allegations in paragraph
25 39 of the Complaint regarding Plaintiff’s “information and belief,” whether
26 nhentai.net attracts over 79,000,000 visits per month, whether the collection of
27 works on nhentai.net include “commercially produced content,” or regarding

1 footnotes 5, 6, and 7 accompanying paragraph 39 of the Complaint. Defendant
2 denies any remaining allegations in paragraph 39 of the Complaint.

3 40. Defendant lacks knowledge or information sufficient to form a belief
4 about the truth of the allegations in paragraph 40 of the Complaint regarding
5 “nHentai.” Defendant lacks knowledge or information sufficient to form a belief
6 about the truth of the allegations in paragraph 40 of the Complaint regarding
7 Plaintiff’s “information and belief.” Defendant denies any remaining allegations in
8 paragraph 40 of the Complaint.

9 41. Defendant lacks knowledge or information sufficient to form a belief
10 about the truth of the allegations in paragraph 41 of the Complaint regarding
11 “nHentai” or regarding footnote 8 accompanying paragraph 41 of the Complaint.
12 Defendant admits that <https://nhentai.net/info/> contains the statement "No, we are
13 not going to add a forum, ever." Defendant denies any remaining allegations in
14 paragraph 41 of the Complaint.

15 42. Defendant denies the allegations in paragraph 42 of the Complaint.

16 43. Defendant lacks knowledge or information sufficient to form a belief
17 about the truth of the allegations in paragraph 43 of the Complaint regarding
18 “nHentai” or regarding Plaintiff’s “information and belief.” Defendant denies any
19 remaining allegations in paragraph 43 of the Complaint.

20 44. Defendant lacks knowledge or information sufficient to form a belief
21 about the truth of the allegations in paragraph 44 of the Complaint regarding
22 “nHentai.” Defendant denies any remaining allegations in paragraph 44 of the
23 Complaint.

24 45. Defendant lacks knowledge or information sufficient to form a belief
25 about the truth of the allegations in paragraph 45 of the Complaint.

26 46. Defendant lacks knowledge or information sufficient to form a belief
27 about the truth of the allegations in paragraph 46 of the Complaint regarding

1 Plaintiff's "information and belief" or "costs typically associated with content
2 production." Defendant denies any remaining allegations in paragraph 46 of the
3 Complaint.

4 47. Defendant lacks knowledge or information sufficient to form a belief
5 about the truth of the allegations in paragraph 47 of the Complaint regarding
6 "nHentai" and "the site." Defendant denies any remaining allegations in paragraph
7 47 of the Complaint.

8 48. Defendant lacks knowledge or information sufficient to form a belief
9 about the truth of the allegations in paragraph 48 of the Complaint regarding
10 "nHentai." Defendant denies any remaining allegations in paragraph 48 of the
11 Complaint.

12 49. Defendant lacks knowledge or information sufficient to form a belief
13 about the truth of the allegations in paragraph 49 of the Complaint regarding
14 "nHentai," Plaintiff's "information and belief," and "those websites." Defendant
15 denies any remaining allegations in paragraph 49 of the Complaint.

16 50. Defendant lacks knowledge or information sufficient to form a belief
17 about the truth of the allegations in paragraph 50 of the Complaint regarding
18 Plaintiff's "information and belief," "nHentai," "Plaintiff's agents routinely
19 polic[ing] websites to identify infringement of Plaintiff's copyrighted works," or
20 what those "investigations revealed." Defendant denies any remaining allegations in
21 paragraph 50 of the Complaint.

22 51. Defendant lacks knowledge or information sufficient to form a belief
23 about the truth of the allegations in paragraph 51 of the Complaint regarding
24 "nHentai" and what "Plaintiff had identified" on the "nHentai website." Defendant
25 denies any remaining allegations in paragraph 51 of the Complaint.

26 52. Defendant lacks knowledge or information sufficient to form a belief
27 about the truth of the allegations in paragraph 52 of the Complaint regarding

1 “nHentai” or “Nhentai” or what “[a]dditional notice were sent to Google.”
2 Defendant denies any remaining allegations in paragraph 52 of the Complaint.

3 53. Defendant lacks knowledge or information sufficient to form a belief
4 about the truth of the allegations in paragraph 53 of the Complaint regarding
5 “nHentai.” Defendant denies any remaining allegations in paragraph 53 of the
6 Complaint.

7 54. Defendant denies the allegations in paragraph 54 of the Complaint.

8 55. Defendant lacks knowledge or information sufficient to form a belief
9 about the truth of the allegations in paragraph 55 of the Complaint.

10 56. Defendant admits the allegation in paragraph 56 of the Complaint that
11 U.S. Copyright Registration No. TXu002435667 is entitled “Elven Bride ReBridal
12 and 8 Other Unpublished Works” and that one of the works in U.S. Copyright
13 Registration No. TXu002435667 was “Sexual Healing.” Defendant lacks knowledge
14 or information sufficient to form a belief about the truth of the remaining allegations
15 in paragraph 56 of the Complaint.

16 57. Defendant lacks knowledge or information sufficient to form a belief
17 about the truth of the allegations in paragraph 57 of the Complaint regarding
18 “nHentai.” Defendant lacks knowledge or information sufficient to form a belief
19 about the truth of the allegations in paragraph 57 of the Complaint.

20 58. Defendant admits the allegation in paragraph 58 of the Complaint that
21 The Junior Spellcaster and the Succubus Curse is listed in U.S. Reg. No.
22 TXu002409564, with a registration date of October 13, 2023. Defendant denies any
23 remaining allegations in paragraph 58 of the Complaint.

24 59. Defendant admits the allegation in paragraph 59 of the Complaint that
25 She’s Somebody’s Spouse is listed in TXu002391218. Defendant denies any
26 remaining allegations in paragraph 59 of the Complaint.

27 60. Defendant lacks knowledge or information sufficient to form a belief

1 about the truth of the allegations in paragraph 60 of the Complaint.

2 61. Defendant lacks knowledge or information sufficient to form a belief
3 about the truth of the allegations in paragraph 61 of the Complaint regarding
4 “nHentai” or “Defendants’ website.” Defendant denies any remaining allegations in
5 paragraph 61 of the Complaint.

6 62. Defendant lacks knowledge or information sufficient to form a belief
7 about the truth of the allegations in paragraph 62 of the Complaint.

8 63. Defendant lacks knowledge or information sufficient to form a belief
9 about the truth of the allegations in paragraph 63 of the Complaint regarding
10 Plaintiff’s “information and belief.” Defendant denies the allegations in paragraph
11 63 of the Complaint.

12 64. Defendant denies the allegations in paragraph 64 of the Complaint.

13 65. Defendant denies the allegations in paragraph 65 of the Complaint.

14 66. Defendant lacks knowledge or information sufficient to form a belief
15 about the truth of the allegations in paragraph 66 of the Complaint regarding
16 “nHentai.” Defendant denies any remaining allegations in paragraph 66 of the
17 Complaint.

18 67. Defendant denies the allegations in paragraph 67 of the Complaint.

19 **VI. ANSWER TO FIRST CAUSE OF ACTION**

20 68. Defendant incorporates by reference the above responses to the
21 allegations of the Complaint as if fully set forth herein. Defendant denies the
22 allegations in paragraph 68 of the Complaint.

23 69. Defendant lacks knowledge or information sufficient to form a belief
24 about the truth of the allegations in paragraph 69 of the Complaint.

25 70. Defendant lacks knowledge or information sufficient to form a belief
26 about the truth of the allegations in paragraph 70 of the Complaint.

27 71. Defendant denies the allegations in paragraph 71 of the Complaint.

72. Defendant denies the allegations in paragraph 72 of the Complaint.

73. Defendant denies the allegations in paragraph 73 of the Complaint.

74. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 74 of the Complaint regarding “nHentai.” Defendant denies any remaining allegations in paragraph 74 of the Complaint.

75. Defendant denies the allegations in paragraph 75 of the Complaint.

76. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 76 of the Complaint regarding “nHentai.” Defendant denies any remaining allegations in paragraph 76 of the Complaint.

77. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 77 of the Complaint regarding Plaintiff’s “information and belief” or “nHentai.” Defendant denies any remaining allegations in paragraph 77 of the Complaint.

78. Defendant denies the allegations in paragraph 78 of the Complaint.

79. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 79 of the Complaint regarding Plaintiff’s “information and belief” or “nHentai.” Defendant denies any remaining allegations in paragraph 79 of the Complaint.

80. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 80 of the Complaint regarding “nHentai.” Defendant denies any remaining allegations in paragraph 80 of the Complaint.

81. Defendant denies the allegations in paragraph 81 of the Complaint.

82. Defendant denies the allegations in paragraph 82 of the Complaint.

VII. ANSWER TO SECOND CAUSE OF ACTION

83. Defendant incorporates by reference the above responses to the allegations of the Complaint as if fully set forth herein. Defendant denies the allegations in paragraph 83 of the Complaint.

84. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 84 of the Complaint regarding “[u]nknown individuals” or “Defendants’ websites.” Defendant denies any remaining allegations in paragraph 84 of the Complaint.

85. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 85 of the Complaint regarding Plaintiff’s “information and belief.” Defendant denies any remaining allegations in paragraph 85 of the Complaint.

86. Defendant denies the allegations in paragraph 86 of the Complaint.

87. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 87 of the Complaint regarding “nHentai.” Defendant denies any remaining allegations in paragraph 87 of the Complaint.

88. Defendant denies the allegations in paragraph 88 of the Complaint.

89. Defendant denies the allegations in paragraph 89 of the Complaint.

90. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 90 of the Complaint regarding Plaintiff’s “information and belief” or “nHentai.” Defendant denies any remaining allegations in paragraph 90 of the Complaint.

91. Defendant denies the allegations in paragraph 91 of the Complaint.

92. Defendant denies the allegations in paragraph 92 of the Complaint.

93. Defendant denies the allegations in paragraph 93 of the Complaint.

94. Defendant denies the allegations in paragraph 94 of the Complaint.

VIII. ANSWER TO THIRD CAUSE OF ACTION

1 95. Defendant incorporates by reference the above responses to the
2 allegations of the Complaint as if fully set forth herein. Defendant denies the
3 allegations in paragraph 95 of the Complaint.

4 96. Defendant lacks knowledge or information sufficient to form a belief
5 about the truth of the allegations in paragraph 96 of the Complaint regarding
6 “[u]nknown individuals” or “Defendants’ websites.” Defendant denies any
7 remaining allegations in paragraph 96 of the Complaint.

8 97. Defendant denies the allegations in paragraph 97 of the Complaint.

9 98. Defendant denies the allegations in paragraph 98 of the Complaint.

10 99. Defendant denies the allegations in paragraph 99 of the Complaint.

11 100. Defendant denies the allegations in paragraph 100 of the Complaint.

12 101. Defendant denies the allegations in paragraph 101 of the Complaint.

13 102. Defendant denies the allegations in paragraph 102 of the Complaint.

14 **IX. ANSWER TO FOURTH CAUSE OF ACTION**

15 103. Defendant incorporates by reference the above responses to the
16 allegations of the Complaint as if fully set forth herein. Defendant denies the
17 allegations in paragraph 103 of the Complaint.

18 104. Defendant lacks knowledge or information sufficient to form a belief
19 about the truth of the allegations in paragraph 104 of the Complaint regarding
20 “nHentai.” Defendant denies any remaining allegations in paragraph 104 of the
21 Complaint.

22 105. Defendant lacks knowledge or information sufficient to form a belief
23 about the truth of the allegations in paragraph 105 of the Complaint regarding
24 “nHentai.” Defendant denies any remaining allegations in paragraph 105 of the
25 Complaint.

26 106. Defendant denies the allegations in paragraph 106 of the Complaint.

27 107. Defendant lacks knowledge or information sufficient to form a belief

1 about the truth of the allegations in paragraph 107 of the Complaint regarding
2 “nHentai.” Defendant denies any remaining allegations in paragraph 107 of the
3 Complaint.

4 108. Defendant lacks knowledge or information sufficient to form a belief
5 about the truth of the allegations in paragraph 108 of the Complaint regarding
6 “nHentai.” Defendant denies any remaining allegations in paragraph 108 of the
7 Complaint.

8 109. Defendant denies the allegations in paragraph 109 of the Complaint.

9 110. Defendant denies the allegations in paragraph 110 of the Complaint.

10 111. Defendant denies the allegations in paragraph 111 of the Complaint.

11 112. Defendant denies the allegations in paragraph 112 of the Complaint.

12 113. Defendant denies the allegations in paragraph 113 of the Complaint.

13 114. Defendant denies the allegations in paragraph 114 of the Complaint.

14 115. Defendant denies the allegations in paragraph 115 of the Complaint.

15 **X. ANSWER TO PRAYER FOR RELIEF**

16 Defendant denies that Plaintiff is entitled to any of the relief requested in the
17 Prayer for Relief in the Complaint or to any relief whatsoever from Defendant.

18 116. Defendant denies that Plaintiff is entitled to any relief requested in
19 Section A of its Prayer for Relief in the Complaint.

20 117. Defendant denies that Plaintiff is entitled to any relief requested in
21 Section B of its Prayer for Relief in the Complaint.

22 118. Defendant denies that Plaintiff is entitled to any relief requested in
23 Section C of its Prayer for Relief in the Complaint.

24 119. Defendant denies that Plaintiff is entitled to any relief requested in
25 Section D of its Prayer for Relief in the Complaint.

26 120. Defendant denies that Plaintiff is entitled to any relief requested in
27 Section E of its Prayer for Relief in the Complaint.

1 121. Defendant denies that Plaintiff is entitled to any relief requested in
2 Section F of its Prayer for Relief in the Complaint.

3 122. Defendant denies that Plaintiff is entitled to any relief requested in
4 Section G of its Prayer for Relief in the Complaint.

5 123. Defendant denies that Plaintiff is entitled to any relief requested in
6 Section H of its Prayer for Relief in the Complaint.

7 124. Defendant denies that Plaintiff is entitled to any relief requested in
8 Section I of its Prayer for Relief in the Complaint.

9 125. Defendant denies that Plaintiff is entitled to any relief requested in
10 Section J of its Prayer for Relief in the Complaint.

11 **XI. ANSWER TO DEMAND FOR JURY TRIAL**

12 To the extent a response is required, Defendant admits that Plaintiff has
13 demanded a trial by jury on all issues triable by jury.

14 **XII. DEFENDANT’S AFFIRMATIVE DEFENSES**

15 Defendant hereby asserts the following affirmative defenses:

16 1. **Unclean Hands.** Plaintiff’s claims are barred due to its commission of
17 “wrongdoing ‘of serious proportions.’” *Saxon v. Blann*, 968 F.2d 676, 680 (8th Cir.
18 1992) (citing 3 Melville B. Nimmer, *Copyright*, § 13.09[B] at 13–148–49 (1991)).
19 Plaintiff has made misrepresentations to the Court and has manipulated the judicial
20 process through the purported enforcement of the asserted copyrights.

21 2. **Failure to State a Claim.** Plaintiff’s claims are barred due to its failure
22 to state a claim, including but not limited to Plaintiff’s failure to state a claim for
23 ownership of a valid copyright as to each of the asserted copyrights and use of the
24 allegedly copyrighted material without permission.

25 3. **Consent.** Plaintiff’s claims are barred in whole or in part on the grounds
26 that Defendant’s use, if any, of allegedly infringing materials was based on express
27 consent/permission by Plaintiff.

1 4. **Statute of Limitations.** Plaintiff's claims for copyright infringement
2 are therefore barred in whole or in part by Section 507(b) of the Copyright Act
3 precluding claims commenced more than three years after the claim accrued.

4 5. **Estoppel.** Plaintiff's claims are barred due to Plaintiff's express,
5 unrestricted permission to Defendant to use Plaintiff's allegedly copyrighted
6 content. Plaintiff clearly intended that Defendant act on that permission. Defendant
7 had no reason to believe that Plaintiff would later assert copyright infringement by
8 Defendant as to any of its alleged content. Defendant detrimentally relied on
9 Plaintiff's representations. Plaintiff's prior statements and actions are inconsistent
10 with the legal positions it is now taking, purporting to place Defendant at a
11 disadvantage.

12 6. **Waiver:** Plaintiff's claims are barred by its clear intention to relinquish
13 any right, advantage or benefit relating to the allegedly copyrighted works.

14 7. **Acquiescence.** Plaintiff's claims are barred because Plaintiff has
15 acquiesced to the use, if any, by Defendant of the allegedly copyrighted materials.

16 8. **Copyright Misuse.** Plaintiff's claims are barred in whole or in part on
17 the grounds that Plaintiff has used its alleged copyrights in a manner that is contrary
18 to public policy and purports to extend the alleged copyright beyond their intended
19 reach.

20 9. **Fraud on the Copyright Office.** Plaintiff's claims are barred as
21 Plaintiff made express representations to the U.S. Copyright Office in obtaining
22 certain of the asserted copyrights in which Plaintiff agreed to a narrow and more
23 limited scope than what was included in Plaintiff's original applications.

24 10. **Innocent Infringement/No Willful Infringement.** Plaintiff's claims
25 are barred because the permission granted to Defendant for use of Plaintiff's now
26 allegedly copyrighted content rendered Defendant unaware and with no reason to
27 believe its acts, if any, constituted infringement of any copyrights.

1 **11. Express or Implied License.** Plaintiff's claims are barred because
2 Plaintiff granted Defendant an express and/or implied license in Plaintiff's allegedly
3 copyrighted materials through Plaintiff's unrestricted permission/consent given to
4 Defendant.

5 **12. No Infringement.** Plaintiff's claims are barred in whole or in part on
6 the grounds that Defendant's use, if any, of allegedly copyrighted materials was
7 based on express consent/permission by Plaintiff and does not constitute
8 infringement.

9 **13. Non-Copyrightable Subject Matter.** Plaintiff's claims are barred in
10 whole or in part as alleged copyrights in the English translations of preexisting works
11 are not valid, as the translations do not have the requisite originality and consist of
12 unprotectable content.

13 **14. Scènes à Faire.** Plaintiff's claims are barred as the asserted copyrights
14 purport to claim protection of situations and incidents that flow necessarily or
15 naturally from a basic or generic plot line, common scenes and themes, standard or
16 stock expressions, and clichéd language that are not protected or protectable
17 elements.

18 **15. Independent Creation.** Plaintiff's claims are barred as the allegedly
19 copyrighted works existed before the date of creation of Plaintiff's asserted
20 copyrights, were independently created, and not copied.

21 **16. No Entitlement to Statutory Damages or Attorneys' Fees.** Pursuant
22 to 17 U.S.C. § 412, Plaintiff is statutorily and mandatorily barred from claiming
23 statutory damages or attorneys' fees under the Copyright Act, as any alleged acts of
24 infringement occurred before first registration of the Plaintiff's allegedly
25 copyrighted materials.

26 **17. Failure to Mitigate Damages.** Plaintiff is not entitled to an award of
27 damages, as it took no action to avoid or reduce any of the damages it now claims

1 for purported copyright infringement.

2 18. **Adequate Remedies at Law.** Plaintiff's claims for injunctive relief are
3 barred, as it has adequate remedies at law to protect its interests in the allegedly
4 infringing materials, if any such protection exists.

5 **XIII. DEFENDANT'S PRAYER FOR RELIEF**

6 Defendant respectfully requests that the Court:

7 A. Enter judgment in Defendant's favor on each of Plaintiff's claims,
8 dismissing the claims with prejudice;

9 B. Award Defendant its reasonable costs and fees, including attorneys' fees
10 pursuant to 17 U.S.C. § 505.

11 C. Grant Defendant such other and further relief as the Court may deem just
12 and proper.

13 **DATED:** April 24, 2025

14 Respectfully submitted,

15 By: /s/ Jennifer M. Rynell

16 John T. Wilson (*Pro Hac Vice*)

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**ATTORNEYS FOR DEFENDANT
X SEPARATOR LLC**

CERTIFICATE OF SERVICE

On April 24, 2025, I filed the foregoing document with the clerk of court for the U.S. District Court, Central District of California via CM/ECF. I hereby certify that I thereby have served the document on all counsel and/or pro se parties of record by a manner authorized by Federal Rule of Civil Procedure 5(b)(2) and the Local Rules.

/s/ Jennifer M. Rynell
Jennifer M. Rynell